

To: Nazar, Kristen[Nazar.Kristen@epa.gov]
Cc: Peterson, Mary[Peterson.Mary@epa.gov]; Delafield, Phillip M.[PMDelafield@dmgov.org]; Hoefer, David[Hoefer.David@epa.gov]
From: Conner, Rita A.
Sent: Mon 8/21/2017 3:20:06 AM
Subject: Re: Dico Site

Thank you Kristen, very helpful!

Sent from my iPhone

On Aug 18, 2017, at 4:28 PM, Nazar, Kristen <Nazar.Kristen@epa.gov> wrote:

Rita – A figure depicting boring locations from the 2016 sampling is attached.

Also, regarding the City taking ownership and mechanisms to limit liability- it may be helpful for your attorneys to glance at this model document prior to Tuesday's call: https://www.epa.gov/sites/production/files/documents/bfpp-ra-mem_0.pdf This type of agreement may be a good option moving forward for the City.

Here is a link to more general information about Bona Fide Perspective Purchasers, which contains a link to EPA's "common elements" guidance that describes the criteria for qualifying as a BFPP. <https://www.epa.gov/enforcement/bona-fide-prospective-purchasers>

We can chat more about these issues on Tuesday, but let me know if anything comes up in the meantime. Thanks!

Kristen Nazar

Attorney, Office of Regional Counsel

United States Environmental Protection Agency, Region 7

11201 Renner Boulevard

Lenexa, Kansas 66219

(913) 551-7450

From: Conner, Rita A. [<mailto:RAConner@dmgov.org>]
Sent: Friday, August 18, 2017 2:45 PM
To: Peterson, Mary <Peterson.Mary@epa.gov>; Nazar, Kristen <Nazar.Kristen@epa.gov>; Delafield, Phillip M. <PMDeLafield@dmgov.org>
Subject: RE: Dico Site

A question from the design team-is there a corresponding site plan to match up with the boring log?

From: Conner, Rita A.
Sent: Friday, August 18, 2017 1:33 PM
To: 'Peterson, Mary' <Peterson.Mary@epa.gov>; Nazar, Kristen <Nazar.Kristen@epa.gov>; Delafield, Phillip M. <PMDeLafield@dmgov.org>
Subject: RE: Dico Site

Thanks Mary, we appreciate this. I've made some progress on the white paper and hope to finish yet today or Monday. We took the attached documents to a meeting this week with EPA (your Region 7 Acting Director) and DNR leadership that was scheduled by one of our City Council members, Chris Hensley. The documents are very preliminary and we noted that at the meeting; basically a checklist to track activities and the initial site sketches you saw at the worksession at RDG.

We look forward to the upcoming discussion with our legal staff and yours next week, as well as a pending meeting between the school district and City to discuss some of the potential next steps from our recent worksession with you, and the meeting this week with DNR. The possible vetting of an ownership role is a new step for the city but several variables are evolving to make that a necessary consideration. Our attorneys will be understandably cautious, and eager to learn as much as possible, particularly on the potential risks. We will provide them as much background as possible.

To that end, please send along anything else of relevance, particularly any sites in the nation that may be examples of local government/state government involvement in Superfund reuse. I'll do some searching as well for case studies; Mel Pins had always referenced Wichita, Kansas as a site.

Thanks again,

Rita Conner

Economic Development Coordinator

400 Robert D. Ray Drive Des Moines, Iowa 50309

515-283-4019 raconner@dmgov.org

<image001.jpg>

OFFICE OF ECONOMIC DEVELOPMENT

Temporary address 400 East Court Avenue

From: Peterson, Mary [<mailto:Peterson.Mary@epa.gov>]

Sent: Thursday, August 17, 2017 2:40 PM

To: Conner, Rita A. <RAConner@dmgov.org>; Nazar, Kristen <Nazar.Kristen@epa.gov>;
Delafield, Phillip M. <PMDelafield@dmgov.org>

Subject: RE: Dico Site

Hi Rita,

Attached are boring logs from the 2016 site characterization work that EPA conducted at

the Dico property. These represent the areas where EPA cored through the concrete building foundations to assess conditions beneath the buildings. These may be very helpful to the developers. We are also searching our historical records for boring logs in other areas of the site (areas that are now covered with the asphalt cap). I will send those as soon as we can pull them together from our files (will take some digging).

I'd be interested to see the white paper when you have it completed. Looking forward to our call next week.

<image005.png>

From: Conner, Rita A. [<mailto:RAConner@dmgov.org>]
Sent: Monday, August 14, 2017 1:46 PM
To: Nazar, Kristen <Nazar.Kristen@epa.gov>; Delafield, Phillip M. <PMDeLafield@dmgov.org>; Peterson, Mary <Peterson.Mary@epa.gov>
Subject: RE: Dico Site

Hi Kristen, Mary-

We look forward to the call. We've worked on a summary of the worksession August 4 with EPA, DNR, City staff and consultants and that summary will be forthcoming. Attaching the test fit scenarios from that meeting as promised. As with past scenarios we've shared with EPA, please note that these are preliminary and for discussion only, as there has been no detailed review or process, other than the schematic vetting by the design team. We will also provide to the site owner as with past scenarios.

We want to ensure that we are tracking on any additional deliverables needed from our end, and also anything that was forthcoming from EPA that can offer additional technical assistance to advise the design team, police department and school district in their vetting process. My recollection is that there were some past borings/reports that may assist in analyzing remediation and/or capping alternatives; the summary will do a better job detailing this than I am here. We had also discussed the language that could narrate how ownership may be undertaken without certain impacts. We will be able to discuss that on the call; it will likely be at the top of the interest list for our legal staff.

I am continuing work on trying to get the white paper draft done for our government relations director and the rest of our team and yours. Going slowly, but hope to complete yet today.

Thanks for the continued partnership. I have been trading emails with Chuck Becker and hope to talk with him yet today also.

Rita Conner

Economic Development Coordinator

400 Robert D. Ray Drive Des Moines, Iowa 50309

515-283-4019 raconner@dmgov.org

<image006.jpg>

OFFICE OF ECONOMIC DEVELOPMENT

Temporary address 400 East Court Avenue

From: Nazar, Kristen [<mailto:Nazar.Kristen@epa.gov>]

Sent: Thursday, August 10, 2017 3:58 PM

To: Conner, Rita A. <RAConner@dmgov.org>; Delafield, Phillip M. <PMDelafield@dmgov.org>

Cc: Fisher Jr., Thomas G. <TGFisher@dmgov.org>; McDowell, Lawrence R. <LRMcDowell@dmgov.org>

Subject: RE: Dico Site

Rita and Phil – It looks like we all might be available August 22nd at 11am. I will follow up with an Outlook invite with conference call information. Let me know if we need a different time on the morning of the 22nd. Thanks!

Kristen Nazar

Attorney, Office of Regional Counsel

United States Environmental Protection Agency, Region 7

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(913) 551-7450

From: Conner, Rita A. [<mailto:RAConner@dmgov.org>]

Sent: Thursday, August 10, 2017 2:07 PM

To: Delafield, Phillip M. <PMDelafield@dmgov.org>

Cc: Nazar, Kristen <Nazar.Kristen@epa.gov>; Fisher Jr., Thomas G. <TGFisher@dmgov.org>; McDowell, Lawrence R. <LRMcDowell@dmgov.org>

Subject: Re: Dico Site

Ditto for the other dates and times Phil provided.

Sent from my iPhone

On Aug 10, 2017, at 2:03 PM, Conner, Rita A. <RAConner@dmgov.org> wrote:

Both pm dates work for me also, thanks.

Sent from my iPhone

On Aug 10, 2017, at 2:01 PM, Delafield, Phillip M. <PMDelafield@dmgov.org>

wrote:

Kristen:

Larry McDowell, Tom Fisher and I are available Tuesday 8/15 and Thursday 8/17 afternoons. Also some potential times mid-afternoon on Wednesday 8/16. Also available all day Monday 8/21 and Tuesday 8/22, except 10:00. Further available the afternoons of Wed-Fri. 8/23 to 8/24.

I've also copied Rita in to allow her to attend if she is available.

Phil Delafield

Community Development Director

City of Des Moines

p) 515-283-4239

e) pmdelafield@dmgov.org

<image007.jpg>

From: Nazar, Kristen [<mailto:Nazar.Kristen@epa.gov>]

Sent: Monday, August 07, 2017 11:03 AM

To: Delafield, Phillip M. <PMDelafield@dmgov.org>

Subject: Dico Site

Phil,

Thank you to you and Rita for facilitating Friday's meeting- I thought it was very productive. I wanted to circle back with you regarding the City's condemnation/ eminent domain authority. I was hoping to setup a quick call sometime in the next week or two with you and an attorney on behalf of the City to discuss potential future options. Dave Hoefer and I will participate on behalf of EPA- I will also invite Mary Peterson. If you and an attorney for the City are available, let me know what days/times work best for you.

Thank you,

Kristen Nazar

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<2016 Boring Location Figure.pdf>